

Quid Nave



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My view on a Friday afternoon

By Christopher Richter, LLB III

Autumn in Mile End. Whichever way I pedal on Park Avenue there is a headwind. The last thing I want when I arrive at Chancellor Day Hall is to be lectured by some righteous First Year pseudo-editorialists about things of which they know nothing: some prof. had the gall to call a pregnant spouse "the wife"; yet another *pro forma* condemnation of political correctness. Had I read beyond the headlines I would probably have some informed criticisms to make; however, if law school has taught me two things, they are (1) that law students love to talk and (2) headnotes. These simple truths have vastly increased the intellectual resources which I am able to bring to bear on self-indulgent reflection.

So what are the preoccupations of a caffeine-driven mind after two years of slow retreat before the tide of legalia? This afternoon, over an *allongé*, I watch

the sidewalk where three young girls fumble with a lighter then pass around the cigarette like some icon of adulthood. The Hasidim drift down Fairmount in preparation for the Sabbath. The leaves fall and are collected by the Portuguese matron. These things fascinate me.

I grew up on Grouse Mountain looking at Stanley Park and English Bay. The Pacific Coast rain forest was two hundred feet away. Emily Carr still makes me long for home the most beautiful country in the world.

Today, I am asking myself to explain why I will not be going back to Vancouver. What do the brick storefronts of Montreal crumbling under the weight of too much history offer that is not found in the steel and marble of the Pacific Centre?

Well, a good *allongé* is one thing. Another is the fact that Jacques Parizeau speaks better English than any Prime Minister of British Columbia

ever did. But good coffee and the Big Lie do not make up for leaving family, friends and a growing economy.

I believe in Montreal because it is an experiment in coexistence. On Park Avenue, in the no-man's land between English and French Montreal, a hundred stereotypes are played out with purity, free from the totalitarian influence of a single, dominant culture. Montreal is a prototype for future world culture. I don't know how the good news will spread to Yugoslavia; I'm not even sure of my role in Montreal beyond supporting this café. But I know that to be here is to be part of the experiment.

The choice between a meaningful life and an easy life is a hard one. I can always go to Vancouver for spring skiing and sailing. But Montreal is not to be visited: it is to be lived preferably over a good cup of coffee.

CASH CITY

Alain Olivier, LLB IV

Le 8 octobre dernier, le Casino de Montréal a ouvert ses portes au grand public. Depuis ce jour, des milliers de visiteurs, la plupart de simples curieux, se sont rendus à l'Ile-Ste-Hélène pour goûter à l'atmosphère survoltée d'une salle de jeu. Les remarques de la foule ont été généralement positives: beaucoup d'espace, de tables de cartes, de machines à sous: un vrai Atlantic City en miniature, à deux pas du métro Longueuil! De plus, le Gouvernement du Québec a adopté une série de règlements afin d'établir des normes strictes pour la tenue vestimentaire, pour

la surveillance policière du site, etc., afin que l'expérience du Casino puisse être aussi profitable que sécuritaire, tant pour les parieurs que pour les Montréalais qui s'inquiètent de l'impact qu'aura cette nouvelle attraction touristique sur la vie urbaine. A prime abord, donc, il semble que ce projet soit engagé sur la bonne voie.

Les partisans du Casino ne manquent d'ailleurs pas d'arguments à l'appui de leur cause, surtout en ces jours très éprouvants pour l'économie montréalaise. En plus de créer des

(Continued on page 3)

Inside This Issue Dans ce numéro

Announcements	2
Editorial	3
Polls Only & A Modest Proposal	4
Jody Talk	5
LSA Report & Rebuttal	6
Langstaff Workshop Inaugural Lecture	7
New York Bar & High Marks	8
The Times & Des Murs...	9
Apartheid	10
Roland Shuts Up & U.N. Trip	11

ANNOUNCEMENTS / ANNONCES

THE MCGILL/INTERAMICUS HUMAN RIGHTS FORUM

Speaker: Professor Harold Koh, Yale Law School
Topic: "Trans-National Public Law Litigation: The Case of the Haitian Refugees"
Time: Wednesday, October 27th, 12:30 to 2:00 p.m.
Location: Moot Court, Chancellor Day Hall, 3644 Peel St.

Professor Koh has litigated a number of landmark cases before the United States Supreme Court. He is Director of the Schell Center for Human Rights at Yale University.

LEGAL THEORY WORKSHOP

Professor Charles Donahue, Jr. of the Harvard Law School will deliver our 3rd Legal Theory Workshop for 1993-94. The topic is "Malchus' Ear: Reflections on Classical Canon Law as a Religious System." The talk will be given on Friday, October 29 at 11:30 A.M. in Room 202. Professor Donahue is renowned as one of the world's leading comparative law scholars and legal historians. His legal expertise covers legal systems ancient, medieval, and modern (including Roman law, Jewish law, Canon law, civil law and common law). As well, he is one of the foremost property law scholars. Professor Donahue is an extremely engaging, dynamic and clear speaker and has, in addition, a wonderful sense of humour! He dominates (I am told) scholarly meetings in his fields and is recognized on the continent, in England and North America. You may be wondering: what is "Malchus' ear"? To find out, come to the talk! His paper (20 pages in length) is available on Library Reserve.

NOTES FROM THE UNDERGRADUATE STUDIES OFFICE (A.K.A. U.S.O.)

Feeling stressed? Spending what little spare time you have worrying? Unable to cope?

There are a number of resources available within the Faculty of Law for those students who feel they need help. First, speak to Christine Gervais at 6608, or ask for her at the U.S.O. Her office is in O.C.D.H., Room 109. She may well be able to help. In addition, some upper year students have generously offered to meet informally with students who feel overwhelmed and stressed and would like to talk confidentially with someone who has experienced similar stresses. Of course, Ms. Gervais can also direct you to professional counselling services should you wish.

A Reminder: Space is a scarce resource in the faculty! Anyone planning an activity is reminded that they should reserve the room that they need as early as possible. See Jane Donga at the U.S.O.

Thanks for an outstanding response to Transcript

Verification week!

Remember MARS opens for second term course changes Tuesday, November 30th - January 16th inclusive, in order to meet your course change needs.

If you expect to graduate in February, 1994, please see Christine Gervais.

Do check the Faculty chalkboard outside of the Moot Court each day for your name. Somebody might be trying to reach you.....

HALLOWEEN PARTY

There will be a Halloween Party at "The Mad Hatter" for Law, M.B.A and Concordia grad students. Date will be Saturday, October 30, and the bar is located on Metcalfe near de Maisonneuve. Tickets are \$2 in advance and \$3 at the door. **THIS IS THE LAST BIG BASH BEFORE THE CHRISTMAS PARTY.** Come out and have fun.

REMEMBER THE 1980's

What do the 1980's mean to you? Insider trading? Polo shirts with the collar up? Duran Duran? Bring your memories with you to the "Back to the 1980's: celebration of slime" party, November 4. The 1970's are dead (for the second time). Poke fun at the decade which brought the arts, business and politics to new levels of low. Location TBA.

SSMU Transit Network

The SSMU Transit Network, McGill's unique carpool system, is now taking driver/passenger schedules for **FREE ON-CAMPUS PARKING** (McIntyre Garage) and convenient, inexpensive rides to and from school - serving your neighbourhood.

Drop by Union 408 or call 398 2902 now to reserve your spot for November.

GRADUATE STUDIES

The Graduate Studies Centre will be holding an information meeting for students interested in court clerkships, graduate studies and scholarships. It will be held on Tuesday October 19 from 17:00 to 18:00 at 3661 Peel St., room 106.

GRAD COMMITTEE

The Grad Committee is seeking sweatshirt makers for a limited edition Grad sweatshirt. All those interested please leave a note in the Grad box or contact Stacey at 288-5675.

The Grad Committee will be selling "PIZZA IN THE PIT" every Wednesday from 11:30 - 1:30 at

\$2.00/slice.

YEARBOOK: Res Ipsa Loquitur

Please pick up the Grad Comment Sheets for the yearbook outside the LSA Office, if you haven't already done so. The deadline for the Comment Sheets has been extended until November 5 (Friday). Please hand them in to the Res Ipsa Loquitur box in the LSA Office. Thanks.

TUTORIAL PROGRAM: ATTENTION ÉTUDIANTS ET ÉTUDIANTES DE 3E ET 4E ANNÉES! ATTENTION THIRD AND FOURTH YEAR STUDENTS!

Nous recherchons actuellement des étudiants et étudiantes intéressés à juger les tribunaux-école de deuxième année. Aucune qualification n'est requise, mais la préparation de l'audition et la lecture des factums demandent quelques heures. Les tribunaux-école se tiendront du 25 au 29 octobre et du 1er au 5 novembre. Les étudiants intéressés peuvent indiquer leur disponibilité sur les formulaires affichés au babillard des travaux pratiques. Merci!

We are currently looking for student judges from 3rd and 4th year to judge the second-year moots. Judging a moot requires no specific qualification other than a willingness to spend a few hours reading the factums and preparing the hearing. The moots will be held from October 25 to October 29 and from November 1 to November 5. Interested students should indicate their availability on sign-up sheets posted on the tutorial board. Thanks!

A Message From The LSA

Remember that the LSA Executive holds office hours 4 days a week now (Wednesday is our day of rest). The exact times we are available will be posted outside the LSA Office. All students note that the LSA will be off limits to all lunchers during these times!

Correspondante Désirée/Penpal Sought

Le *Quid Novi* a reçu une lettre. On cite la suivante: "Je suis étudiant ivoirien à la faculté de Droit de l'Université d'Abidjan, Côte d'Ivoire. Je suis au premier cycle universitaire (DEUG I, Diplôme Études Générales Universitaires, 1ère Année). Le premier cycle allant de la 1ère Année de licence à la 3e année de licence. Je suis âgé de 23 ans et j'aimerais, à ce titre d'étudiant en Droit, échanger de larges identités de vues (juridiques, sociales voire économiques...) avec une étudiante en Droit de votre excellente université. Je tiens à souligner que je joindrai ma photo à la première correspondance. Je suis un bilingue. Par conséquent je ne manquerai pas d'écrire aussi bien en Anglais et en Français." Pour autres informations, appelez Jay à 270 1589.

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Editorial: Grow Up!

How depressing. Once again we hear the annual stories about cases cut out of library books during the crunch factum times when many students are obliged to search through the same depleted materials which were sparse enough to begin with. Every year we hear the same gnashing of teeth and the general agreement that the people that do this *might* evolve in a few millennia -- with some gentle persuasion from their consciences -- to the point where cross-breeding with "normal" humans would result with something resembling pond scum.

I'll be more generous. I'd like to draw a comparison between our "friends" among us and profiteers who take advantage of situations when the rule of law breaks down (or is obscured) to benefit themselves such as dictators (who then create their own "laws" to suit themselves), looters in mobs,

organized crime members, etc. Although the degree of the offence may be less, and the crime much less salient in our case, its essence is the same: the perpetrator has little to no respect for his/her fellow humans.

Such people tend to look at the world in a binary sense: "us" (often distilled through years of shameless individualism to "me") and "them." "Me" is important. "They" do not matter for "they" are not "me." If you are not my friend, you are nothing (unless you can offer something for me that I cannot merely steal).

As part of the nameless abstract "them" who suffers because of these binary brats I'd like to attempt to teach the "me"s of our faculty a lesson that they obviously missed when growing up.

SHARE!

It is a simple word that parents typically teach their 2-year-old children who have not yet learned that there are more people in the world than merely "me." It is an important word, for it represents the lesson that teaches children how to live in society where they are *not* the only nor the most important person in existence. It also means that perhaps your classmates will be able to write their factums too...

While it is rather embarrassing to learn a basic lesson in life by reading it in the faculty newspaper about 2 decades too late, do not fear. Just as no one saw you cut out the cases from the reporters, no one saw the glassy look in your eyes as they scanned back 20-odd years and watched a lonely 2-year-old playing all alone. Again.

Cash City

(Continued from page 1)

emplois permanents et bien payés, la Société du Casino va produire des bénéfices, dont le Gouvernement a bien besoin dans sa lutte contre le déficit, et ce sans nécessiter une augmentation des impôts directs. Le Casino pourrait également stimuler l'industrie touristique et attirer des devises étrangères au Québec. Enfin, devant la multiplication des salles de jeu clandestines, vaut mieux que le Gouvernement ouvre lui-même un Casino, qu'il pourra "contrôler" en établissant des normes strictes pour l'admission au site et en prohibant certaines activités autour du site (prostitution, vente de drogue), qui auraient autrement pu se produire.

romantique, mais, pour ma part, je m'oppose à la présence d'un Casino à Montréal. D'abord, il ne faut pas se faire d'illusions: les "high rollers", québécois ou étrangers, ne vont pas délaisser les palaces d'Atlantic City ou de Las Vegas pour se ruer au Palais de la Civilisation ! La clientèle du Casino va venir principalement des régions du Québec, du Lac St-Jean à la Côte-Nord. Ensuite, même si c'est bête à dire, je crois que le Casino est une "tentation" dont la société n'a pas besoin. Il y a déjà une peste de loteries (légalisées) sur le marché et on pourrait croire qu'un Casino ne changera rien à l'attitude des gens face au jeu. Oui, mais pour quelqu'un qui vit dans un 2 1/2 à Rosemont et qui a de la difficulté à boucler son budget, c'est plus facile de résister au son de la "machine bleue" de Loto-Québec qu'à la perspective d'une soirée de "Black Jack" sous les chandeliers...

dérange le plus, c'est le fait que ce soit le **Gouvernement du Québec** qui supervise l'opération du Casino. A mes yeux, lorsqu'un gouvernement s'engage dans un projet, il agit au nom de tous les citoyens d'une société. Les actions du Gouvernement sont censées refléter les valeurs qui nous tiennent à coeur. Ainsi, derrière tous les beaux arguments et les prévisions de bénéfices, les valeurs motrices d'un Casino sont l'amour de l'argent et la soif du gain. Que sommes-nous devenus comme société si l'État se finance en encourageant les gens à se ruiner ? On dira qu'on ne force personne à parier: le Casino est là et les gens n'ont qu'à ne pas y aller s'ils en désapprouvent. Mais je crois que les bienfaits tangibles qu'apportera le Casino dans l'immédiat rendent le Gouvernement aveugle au malaise social qu'il risque de créer à long terme. Vaudrait mieux qu'il pense un peu plus au bien-être des gens et un peu moins aux "cennes" !

Je suis peut-être un peu

Mais, franchement, ce qui me

ONLY POLLS IMPORTANT: QUID POLL MAY HAVE FOUND

By Craig Shepherd, LLB I
Election Correspondent

ANALYSIS, *In a fast-paced federal election campaign of complex issues, the only reliable sources of information are pollsters and strategy pundits.*

Pollsters, led by almost every media source in the country, are continuing to make substantial gains as the formulators of public opinion, and are within striking distance of convincing the Canadian public of who should form the federal government, a QUID NOVI poll may have shown.

Based on a national blitz survey of 21,000,000 eligible voters between 3 a.m. and 5 a.m. last night, pollsters have the confidence of 70 per cent of respondents to tell Canadians who should win the October 25 federal election. Fully 90 per cent of decided voters polled have reached their decision based on reports from pollsters.

Only a narrow segment of those polled reported that they consider a wide range of issues before casting a ballot. *

*This segment included McGill law students in Montréal, but not one of their counterparts at the University of Toronto.

HOW PEOPLE WOULD VOTE NOW:

If a federal election were being held today, which one of the following sources would you turn to first for guidance?

Respondents' answers:

<u>Campaign Materials</u>	15%
<u>Issue Editorials</u>	15%
<u>The Pollster-next-door</u>	70%

COMPARING CREDIBILITY:

Which individuals, if shown on national T.V. in a debate format do you think

would be the most credible source for telling you who should be the Prime Minister of Canada?

Respondents' answers:

<u>The Candidates</u>	5%
<u>Poli.Sci. and Law Professors</u>	5%
<u>A Mob of Pollsters</u>	90%

HOW THE QUID POLL WAS DONE:

The QUID poll is a survey of 21,000,000 Canadian citizens 18 or older in the 10 provinces. During the 2 hour phone bank blitz early this morning, data was gathered from randomly selected homes. Data from the interviews were not adjusted to suit the pollsters' purposes. When people offered responses that deviated from the predictions of the pollsters and strategy pundits, those answers were not changed. QUID polls are always accurate, 100%, 20 times out of 20. There are no exceptions.

A Modest Proposal (or why issues are obsolete)

By Angus McMurtry, LLB I
Election Correspondent

In this political campaign, we have witnessed an important development in the evolution of political consciousness. A traditional prejudice has been that policy issues are at the center of political discourse. This prejudice has blinded us to the transformation that has taken place under our very noses: that policy issues have become largely obsolete, a relic from an age that lacked modern polling techniques and the ubiquitous pundit.

Now admit it don't you like the pundits' insider analysis of political debates more than debates themselves? Wouldn't you rather read the latest poll plastered across the front page of the *Globe and Mail* than the three paragraph piece on page 17 on party policy? If you

are like most of us, you prefer TSN-like coverage of who is winning, what strategies the parties have planned and what embarrassing "gaffes" the candidates have made.

Ask someone what they think of the election. They will tell you who they think is "performing" well or who they think is going to win. What they think about policy issues or who they think has the best platform will not enter into the conversation.

This development represents an improvement on the issue-oriented prejudices of the past and I think that it is time that we faced up to reality and dispensed with issues. Instead, we *should* vote on who we think is winning and who we think is running the slickest campaign. Given the nature of today's political coverage and political consciousness, we are far better informed in this area anyway.

Look at pollsters and pundits, they know where it's at: They don't dirty their hands with the nitty-gritty of policy issues or whether or not there is any *truth* or *right* in the parties' platforms. Like good post-modernists, they have risen above such out-dated concepts and instead speak of "popularity" and "momentum".

Such a change would also restore some integrity to politics. For example, politicians and their spin-doctors, freed from the shackles of ideas and issues, would be free to concentrate on more central concerns, like projecting the right image and coming up with snappy one-liners.

All in all, dispensing with issues would remove much of the hypocrisy that characterizes our political process. This, I believe, is the true "new politics".

JODY TALK

By Jody Berkes, BCL II

Some of you may have been perturbed, distressed or heartbroken that my column was absent from last week's Quid. On the other hand, the vast majority of you probably couldn't care less, and welcomed the chance to read more serious literature. I didn't have a chance to submit a column because I was working on my factum for the second year moots, at the end of the month. For those of you who haven't yet experienced the joy of the moot, or for those of you who have, but still can't figure out it's purpose, read on and the answer will become clear.

P. F. Hoffman et al., "Appellate Court Advocacy - The Moot" in P. F. Hoffman, G. F. Bell, P. Laroche, eds., *Legal Research, Writing and Appellate Court Advocacy*, (Montréal: McGill Faculty of Law, 1990) 165 [hereinafter *Hoffman*], describes the reasons for mooting, "Why Mooting? Mooting is one of the few exercises which attempt to simulate a 'real life' aspect of legal practice. Not all lawyers, however, engage in appellate court advocacy; in fact few actually do." Counsel respectfully submits on his hands and knees in dutiful supplication that the above quote represents the reason for writing a factum.

It took me a week to look up how to cite the quote. First, I had to run out and buy the new cite guide because at the tutorial meeting they told us that the guide we purchased last year was not the correct edition. Then I had to run back to the bookstore and return my new cite guide because, it is, in fact, the same one I bought last year. Third, I had to figure out if the tutorial manual is a "book" or a "collection of essays". Fourth, I had to look up the exact format I needed to use to cite the collection, and write it out. Finally, I had to check about a hundred times that I put the comma in the right *@!&#! place. Now if I had missed a comma none of you would really care, right? You could, if you were so moved, find the article that I was talking about. However, this is only a test. If this had been an actual factum the cite you read would have been followed by a professor's

red pen and the words, "Incorrect cite - 50%".

You see, in a factum, content only counts for half the grade; the other half is based on the accuracy of your cites. Why do the professors care? They care because as the quote says, it "simulates a 'real life' aspect of the legal practice." (*Hoffman, supra*). You see, in a real life court (I know because I used to clerk for a law firm) they **will** refuse to let you file documents if the margins are incorrect, if you didn't date stamp the pages, or if the factum was bound at the top instead of the side. However, the attorneys never lost a motion because they forgot to put a comma after the style of cause. Even if the courts would reject a pleading due to a misplaced comma it might make sense because in "real life" lawyers get paid \$250 an hour to get it right. As opposed to law school, where if you do it right you might pass.

When writing a factum the professors also want you to parallel cite things to at least fifty million sources. The premise is that not all judges have a set of all reporters. I don't know for sure, but I would assume in "real life" all judges would at least have access to the Supreme Court Reporter, and lawyers wouldn't need to cite an alternate source. Besides, in "real life" judges don't really bother to look up the judgements because they get their clerks to do it for them. O.K. I've gone on ad nauseum about cites, but I digress.

I should get back to the reason why they make us write a factum, which, as stated above, is to give law students a taste of what a real law practice is. The only problem with this justification is in "real life", "not all lawyers, however, engage in appellate court advocacy; few actually do." (*Hoffman, supra*). The factum at best represents a life few of us will ever have, and at worst is just another way they try to deprive us of sleep or turn us into neurotic, anal retentive people - and this is just while writing the factum. Later on when we actually moot the point, the judges get to publicly humiliate us. On the other hand, perhaps the answer to why we moot can be found in Webster's

dictionary definition of moot - "having no legal significance" - which is how we'll all see this ten years from now. Selah.

Most of you probably picked up the sarcasm in the above column. However, I'd like to talk to you about something seriously for a moment. While I was researching my factum I looked up a monogram on the constitutionality of the *Trade-marks Act*. Obviously someone else had the same idea because the pages I wanted to look at had been taken out of the loose-leaf. At best, someone was cheap or lazy and couldn't photocopy the pages. At worst, someone was desperate enough to try and get ahead by stealing the information so that no one else would get it. If it was the former reason, the person, if caught, should have to copy out a Dickens novel by hand. If it is the latter reason, it represents a much more serious problem.

The study and practice of law in North America is premised on the adversarial system. In the courtroom, opposing counsel compete to win their clients' cases. In the classroom, students compete for grades. Competition is healthy, it makes us strive to do our best. However, when competition leads to sabotage, as in the case of someone ripping pages out of a book, it becomes unhealthy, and unethical. In the courtroom, failure to disclose information pertinent to opposing counsel's case can lead to disciplinary hearings. Ripping pages out of a book should be dealt with in the same way. We all need to take a step back and realize that there is more to law school than just competition (read coffee house). I have a message to whoever ripped pages out of *Hughes on Trade Marks*, "Instant karma is gonna get you!" (you knew I couldn't keep the seriousness up for too long).

Jody Berkes is a second year law student who always keeps his *Canadian Guide to Uniform Citation* close at hand. His column appears weekly (except when he's writing a factum) in the Quid.

The LSA Report

By Adam Atlas, Speaker - LSA

The last meeting of the LSA was a record breaker. The LSA passed the 1993-94 budget in less than half an hour! The annual budget debate usually weighs in at over two hours.

Mario Choueiri, V.P. Finance, said that the budget was drawn up in a very conservative fashion so that revenues were assumed to be lower than expected and expenses were assumed to be higher than expected. Choueiri said that he wanted to cut a lot of expenses, for example, he made mandatory maximum of fifty dollars for administrative expenses within each club.

The 19,567 dollar budget of this academic year shows little changes from last year's budget. One notable difference is the halving of the funds allocated to people attending Law Games from 2000 to 1000 dollars. This will imply about a ten

dollar increase in the cost for attending the games this year. Some of the savings from this cut were reallocated to two new LSA clubs. The policy of allocating specific amounts to each class has also been eliminated partly in an effort to organize events which will allow students to transcend the barriers between civil and common law. Finally, the LSA has gained complete control of funds allocated by the Dean for conferences. Last year there was some conflict as to who controlled the funds.

Laptops were the subject of discussion immediately following the snappy budget debate. Members of the legislative council expressed concern that the faculty has not yet established a policy on laptops in the classroom. Some noted complaints about the noise made by typing in class. The significance of laptops to the study habits of students was also considered. The President said he

would discuss this issue with Associate Dean (Academic) Harvison Young.

The association of civil law schools, CADED, suggested that it will take militant action, perhaps including student strikes, to protest the changes that are being considered for admission to the Quebec Bar Association. Councillors were unanimously against militant action, but did express concern that an opinion should be voiced by students at the McGill Faculty possibly through petitions. The Quebec Bar Association may require a bar school entrance exam, a one year stage and eight months of bar school for people who wish to practice.

The next meeting of the LSA is scheduled for Wednesday, October 28 at 12:30 pm, everyone is encouraged to attend.

A quiet rebuttal...

By George Tomossy, LLB I

I thought that when I had left the University of Toronto and came to the McGill Faculty of Law, I had left the Varsity and its extremist and confrontational style of journalism behind. Apparently not. It seems that the Quid Novi has acquired a similar flavour. I am referring of course, to Stacey Pinchuk's article "He-Man is Sexist" in last week's issue. You said it yourself, Stacey: "it is only one month into school and perhaps a little early to rock the boat and denounce sexist practices in the Faculty of Law." You are correct in your assumption. I find your view of the faculty and students to be a little premature and unfair; and that perhaps more positive generalizations (or none at all) would be more appropriate at this point in time.

My experience so far at McGill Law has been nothing but positive. Everyone has been extremely receptive and friendly (both faculty and my fellow students). I find the incredibly diverse cultural and academic backgrounds in the Faculty to be exciting. It is a pity that you feel that you must "shift and cringe" in your seat on a "daily and seemingly hourly basis". I sincerely hope that this feeling passes, so that you can enjoy

your time here at the Faculty of Law. And in all honesty, how can you say that your experience, and that you, yourself as a person do not count here. I have yet to notice the participation of anyone (whether male, female, or for that matter, your own) to be ignored, rejected or scorned in class. (Incidentally, I find you to be one of the most vocal members of the classes which we share.)

I agree that the concepts of gender neutrality and gender sensitivity are important in ameliorating the state of social inequality which exists between men and women. I merely find that constantly harping on the use of gender neutral words, and referring to the oppressive spectre of *Political Correctness* is becoming irritating and tiresome. And if one were to conduct an informal poll on this topic, no doubt many would agree. (*Enter: Blatant Unfounded Assumption, a tool in constructing an argument*) I do not wish to debate the value of "politically correct speech" at this point in time. I would only like to express my objection to your confrontational and venomous attack on our Faculty. I have not noticed any of my professors making awkward attempts to provide examples consisting of both sexes; nor have I

noticed creditors, debtors, victims, wrong-doers, landlords, tenants, co-contractants, testators and executors being described exclusively as men.

One final point: let's not be too harsh on our peers and our mentors when they accidentally make a statement which may be considered "politically incorrect", or not "gender neutral". You yourself fell into a similar trap. It is unfortunate that in an article in which you are deploring gender insensitivity, you could not express your point without using what can only be described as a sexist colloquialism. I quote: "Some might say that I have a lot of balls for deploring professors and my fellow classmates for their lack of gender sensitivity." I am glad that you do not think so. And to reassure you, as one of first year's 74 male students, neither do I. I did not jump to the conclusion that you possess a pair of testicles by virtue of your act of indiscriminately deploring your professors and classmates. And believe me when I say that I think no less of you for your lack thereof (in spite of the sarcastic tone throughout my response to your article).

ANNIE MACDONALD LANGSTAFF WORKSHOP
presents Laura Nader, Professor of Anthropology
on Wednesday, November 3, 1993 at 12:30 p.m. in the
Room 202, Chancellor Day Hall
"JUSTICE AND HARMONY IN THE PRACTICE OF LAW"
Issues on Access to Justice
Everyone is invited to attend!

Professor Nader is a professor of anthropology at Berkeley, University of California. She has served as visiting professor at Yale Law School, Harvard Law School and Stanford Law School. International field work in anthropology has taken her to Mexico, Lebanon and Morocco as well as various parts of the United States. She has published extensively on the topics of primitive social organization, consensus and social harmony, comparative justice processes, gender and cultural issues and critiques of cultural anthropology. Her recent book is entitled *No Access to Law: Alternatives to the American Judicial System*.

Professor Nader has received awards from several learned institutions, including the American Academy of Arts and Science, the Society for Woman Geographers, the Woodrow Wilson International Centre for Scholars and the National Science Foundation. She currently serves as a committee member with the Law and Society Review, the Centre for the Study of Responsive Law and the Council of Scholars for the Library of Congress, among others.

Professor Nader will make several public appearances during her three-day visit to McGill University:

Monday, November 1:
 Anthropology Department Lecture
 12:00 p.m. - 1:30 p.m.
 Room 14 or 232, Leacock Building
 Public Lecture
 "Colonization of the Mind"
 6:30 p.m. - 8:00 p.m.
 Room 232, Leacock Building

Tuesday, November 2:
 Women's Centre Brown-Bag Lunch Seminar
 "What's This Thing Called Backlash?"
 11:30 a.m. - 1:00 p.m.
 Women's Centre

Wednesday, November 3:
 Annie Macdonald Langstaff Workshop
 "Justice and Harmony in the Practice of Law"
 12:30 p.m. - 2:00 p.m.
 Room 202, Chancellor Day Hall

Her recent journal publication on the topic of access to justice, "Processes of Constructing (No) Access to Justice (For Ordinary People)" (1990) 10 Windsor Y.B. Access Just 496, is available at the Reserve desk in the Law Library.

The Annie Macdonald Langstaff Workshops commemorate the first woman graduate of the McGill Faculty of Law. After her graduation in 1914, Annie M. Langstaff was denied admission to the Bar because of gender disqualifications but worked in law in other capacities for the duration of her career. The Annie Macdonald Langstaff Workshops were initiated in 1988 to highlight the restriction of women and other traditionally excluded groups from entering the legal forum.

This event is co-sponsored by Women & the Law, McGill Caucus.

INAUGURAL PATRICIA ALLEN MEMORIAL LECTURE

Patricia Allen graduated from McGill LL.B., B.C.L. in 1988. Brilliant and energetic, she was quick to establish an important place for herself in her chosen area of practice, taxation. She was one of Revenue Canada's leading experts on GST legislation. On November 13, 1991, Patricia was murdered on an Ottawa sidewalk by her estranged husband, who used a crossbow in the attack. He was subsequently found guilty and sentenced to a 25-year prison term.

Since Patricia's death, her friends and classmates established a memorial with a view to educating the legal community on issues of violence as manifested in the tragic

murder of Patricia Allen.

The first annual **Patricia Allen Memorial Lecture** will be held in the Moot Court on Thursday, November 4, 1993 at 6:00 p.m. The guest lecturer will be Professor Jane Ursel of the Sociology Department of the University of Manitoba. The title of her lecture is: "The Potential of Legal Reform for Confronting Violence Against Women: A Case Study of the Family Violence Court in Manitoba".

Jane Ursel is an academic and activist who has a great deal of experience in addressing issues of violence against women.

She has been deeply involved in the development of the Manitoba Family Violence Court, which is the first court in Canada to deal exclusively with cases of family violence. The specialization of the court enables it to respond quickly and effectively to domestic violence, and to develop a committed and expert staff of prosecutors and judges. Her lecture will deal with Family Violence Court as well as other community-level ways to address the issue of violence against women.

I hope to see you there.

Vincent Gallo, LL.B., B.C.L. '88

HOW TO GET HIGH MARKS IN FIRST YEAR

By Randy Hahn, LLB III

A recent article in the Quid made reference to the sad reality that in order to receive excellent marks at university a student is obliged to pander to the opinions of the professor that will be marking his or her exam. This unfortunate truth also applies to law school. Accordingly, for the benefit of first year students who inevitably are wondering just how one is to go about writing law exams, a guide to some of the first year professors and their various biases follows.

Stephen Scott - Constitutional Law

Much revered by Québec nationalists, Stephen Scott is a strong supporter of the view that Québec has the legal right to leave the Canadian confederation, and the rest of Canada should do nothing to prevent that right from being exercised. Professor Scott is also a staunch republican who openly campaigns for the removal of the Queen as Canada's head of state. Any exam answer that relies on radical feminist theory will be guaranteed to be awarded high marks. Similarly, a general condemnation of the superficiality and banality that characterizes the

scholarship emanating from Oxford will be looked on favourably.

Peter Benson - Contracts

Peter Benson subscribes to the school of legal realism. He believes that any conflict between contractual theory and the realities of the business world simply illustrates the shortcomings of theory. Professor Benson is of the view that thinkers such as Kant and Grotius are in fact intellectual lightweights, and he prefers instead contemporary scholarship that views contractual law as a tool that serves only the propertied class to the detriment of everyone else. There is a concept called consideration in contract law, and Professor Benson is of the view that it serves absolutely no purpose. Any examination answer that strongly endorses the notion of moral relativism is certain to receive a very high mark.

Patrick Healy - Criminal Law

According to Patrick Healy the Supreme Court of Canada has offered a coherent and consistent interpretation of the principles underlying criminal law. He believes that both the problems and the solutions in this branch of the

law are quite simple and straightforward. When analyzing decisions for any exam to be marked by Professor Healy one need simply skip to the conclusion of the majority; any detailed analysis of the judicial decisions or the attendant reasoning is completely unnecessary.

Alison Harvison-Young, Dennis Klinck, Yves Morrisette - Foundations of Canadian Law

The professors who teach this course all have a similar view as to its purpose. Many first year students mistakenly think that the aim of the course is to have students realize that law can have different meanings and is shaped by a variety of historical and social influences. A perceptive student, however, will recognize that the underlying theme of the course is really to reinforce the idea that contemplation of abstract theories of law is a waste of time.

The examination for this course may vary in style, but essentially the same question is always asked - what is law? An ideal answer is as follows: "Law is simply fatuous nonsense that serves only to legitimize the academic careers of those who ponder such matters." This will score very high marks indeed.

NEW YORK/NEW ENGLAND BAR REVIEW COURSE

The New York Bar Review Course will be held at the McGill Faculty of Law in the spring of 1994. This is a seven week course that will cover all subjects examined on the New York Bar. Students may also enroll in other state bar review courses, e.g. Massachusetts. For further information or registration please contact Theresa Hinz at (514)277-4376 (leave a message with telephone number) or send E-mail to T_Hinz@LSA.LAN.MCGILL.CA.

Please note that there is a \$525 reduction on the price of the New York Bar Review Course if registration is completed before October 31, 1993!!!

THE TIMES, THEY HAVE-A-CHANGED

by Balthazar Arianis, Nat IV

Neither the best of times nor the worst of times, these are simply exceptionally confusing times for persons of the male gender. Through no fault of their own, this class of individuals has been born into a time of redefinition and mutual discovery between the sexes.

The fact is that many gentle persons of the non-female type feel adrift without the benefit of a gender-informative anchor in this churning sea of change. In less enlightened times, young men turned to their fathers for advice on the "manly arts." There was even reference literature published on the subject (Everitt & Schecter, *The Manly Handbook* (New York: Berkley Books, 1982)). As we approach the new millennium, however, the old manly paradigms must fall to the wayside to make room for a new Man Of The Hour (MOTH).

It is difficult to believe that men were once indoctrinated into believing that "Man was put on this planet for one purpose only: to act like a man. Imagine, for a moment, the garden of Eden. God needed someone to get the human race going, so what did He do? Did He send down a modern dancer? No way. He sent down someone He could count on, someone who could hack it, someone who wouldn't choke under pressure. At the time, He couldn't afford to call in Pete Rose (He had plans for him in the late innings), so He sent along Adam to pinch hit" (*Ibid.* at 9).

This short passage provides a telling indicia of how backward male-oriented teachings were only one short decade ago. What misogynistic clues may be found in the quote? Firstly, it implies that there is a certain way in which men must act. This is a highly disturbing generalization that hinders individuality and

creativity, and has led to the rise of the National Rifle Association in that Bastion Of Manhood To The South.

Second, the choice of modern dance as a worthwhile profession for persons of the non-female persuasion is slighted. It is close-minded and thoughtless statements like this that keep talented young men out of many artistic professions for fear of being labelled "less than manly." This is borne out empirically by a cursory examination of the celebratory dance routines following the scoring of a touchdown in professional football; these men are clearly repressing "artistic" tendencies.

The third untruth mentioned above is that men must never choke under pressure. This places crushing, undue pressure on the members of the Atlanta Braves baseball club who simply want to go out and have fun on the field. After all, in the end it's how you play the game, isn't it?

Finally, there is the reference to Pete (I Don't Have A Gambling Problem) Rose. For reasons of courtesy, this point will not be pursued.

Clearly, then, a great many men have a tremendous distance to travel as they learn to accept, understand and flourish in their new roles in the 1990s and beyond. The first step in this metamorphosis from beer-swilling slug to vibrant, sensitive butterfly is to make small but significant changes to comportment and attitude. What changes need to be made? How to move beyond the Sally-Jesse stereotyping?

Consider the way persons of the male gender sit on busses. In the past, men were taught that "when you are in a crowded, public place [...] the preferred way to sit is with your feet

placed firmly on the floor and your knees spread as far apart as possible. In this way, you will not only establish your dominance over the territory you are occupying, but if there is a doll sitting on either side of you, you will be able to indulge in a little suave manly flirtation by rubbing one of your legs against one of hers" (*Ibid.* at 22).

This advice is clearly a relic of the past that must be placed in a Blue Box and recycled into a more modern attitude with the utmost speed. Due to the redesign of the seats in STCUM buses, it is now virtually impossible to take up excess space. It is difficult enough to fit an average back-side on one of the new rubber-moulded seats. Furthermore, the occupation of so much space may lead to a conflict with someone else intent on proving *his* manhood by beating you to a pulp in return for a little reciprocal legroom. And, most importantly, recent surveys of afternoon talk-show audiences indicate that women are *not actually turned on* by a stranger's leg-rubbing, and are perfectly willing to prove this point by resorting to methods of violence previously only seen in Van Damme movies.

Clearly, those persons not of the "sugar and spice" variety have a great deal to learn about basic human interaction in this Post-Alan Alda Age Of Sensitivity. That is why this column is only the beginning of a series of advice-laden missives designed to help today's neanderthal turn into tomorrow's MOTH. In future instalments, a question and answer approach will be adopted as the Men of Law embrace the future of gender relations. Perhaps this opportunity to exchange ideas and experiences will one day move us to a point at which all men can admit to having cried during *Ghost*.

The author is a Nat. IV student who borrowed The Manly Handbook from a less enlightened friend.

Des Murs de Paris, Mai 1968

By Laurence Detière B.C.L.I

Mai 68, la France entière est en grève mais l'industrie du grafitti elle, est en pleine forme. Les "Défense d'afficher" des murs parisiens sont remplacées par "Défense de ne pas afficher" par les étudiants. L'opinion du moment apparaît sur les murs. Quoique révolutionnaires,

certaines "citations" n'ont rien perdu de leur saveur. En voici quelques exemples:

"Amnistie= acte par lequel les souverains pardonnent le plus souvent les injustices qu'ils ont commises"

"Tout pouvoir abuse. Tout pouvoir absolu abuse absolument"

"Il a mis trois semaines pour

annoncer en cinq minutes qu'il allait entreprendre dans un mois ce qu'il n'avait pas réussi à faire en dix ans"

"Ne me libère pas. Je m'en charge" "Les murs ont des oreilles. Vos oreilles ont des murs."

Apartheid. Before and After

By Laurence Detière, BCLI

Last week, as part of the human rights conferences given at McGill, Mr. Justice Goldstone addressed the issue of post-apartheid democracy in the Republic of South Africa (S.A.). Justice Goldstone, considered to be the "keeper of conscience of South Africa", chairs the Goldstone Commission of Inquiry regarding the Prevention of Public Violence and Intimidation.

Apartheid, a Historical Process

Justice Goldstone started his address with a synopsis of South African history. (Most of the facts related there can be found in a good encyclopedia) Justice Goldstone pointed out that in 1910, when the Union of South Africa was formed out of various colonies (now the four provinces), the racial domination which existed was no different than that of racial policies practiced elsewhere in the African colonies.

In 1948, the National Party came to power, mainly because it presented itself as the only white party that could deal with what was considered the "native problem" of increasing demands for freedom and equality. It was an Afrikaner-led party and it set up an efficient and repressive "state apparatus" to implement the policies of apartheid. These were set up to maintain the domination of the white minority (13.6% of the population) over the black majority (75.2%)¹. The system of apartheid, by the way, rested on three pillars. Each was an Act: one regulated residential segregation, another the classification of every South African by race, and the third reserved 87% of the Republic's land for whites (hence today's crisis of land redistribution).

Opponents of apartheid then confused flawed political policies with ethnicity. The KwaZulu "homeland" (homelands constitute 13% of S.A.'s land) issue was discussed because the leader of that region's black movement, Buthelezi, is an important figure in S.A.'s modern history. KwaZulu is a mostly ethnically homogeneous region and has a distinct political entity. Its 'status' is therefore very different from other independent self-governing territories, especially with respect to the ethnic composition. Nonetheless, in the mid 70's, Buthelezi was one of the major leaders of anti-apartheid, the only recognized and tolerated one, and was internationally recognized as the voice of blacks in S.A.. At that time, Buthelezi was

not in conflict with the African National Congress (ANC) whose president has been Nelson Mandela since 1991.

In 1983 Coloured and Asians were granted a limited role in the government under a new constitution. Through certain decisions, Buthelezi alienated many followers and for the first time faced serious opposition, inside and outside KwaZulu. A crystallization of this opposition came in 1990 when the United Democratic Front (UDF) was founded to oppose Buthelezi's system. The KwaZulu internal problems are the main source of the present violence. In 1987 there were 10 000 deaths, but these were mainly between KwaZulus, and were NOT ethnic violence.

A turning point in S.A. history came on February 2nd 1990, when the ban on political organizations was lifted and political prisoners released. Virtually overnight, Buthelezi, went from being the *only* 'official' voice of black South Africa to being one of many, especially with Mandela and other ANC leaders in the official picture. The ANC became a social-democratic party (versus only socialist) and this move made the ANC gain approval from both South African whites and western businesspeople (please note Stacey, I didn't say business-he-men!). Apart from extreme right white parties, political parties became essentially non-racial, and, in 1991, the exclusivity 'rule' in the National Party was dropped.

Life After Apartheid

Justice Goldstone insisted that it's a mistake to look for simplistic solutions to the current violence. When asked if international pressures to abolish apartheid participated in the coming of the 1990 turning point, he answered that yes, they did, but that the 1990 abolition of apartheid was attributable to other factors such as the failing economic system and particularly the fall of communism in Eastern Europe. It must also be remembered that the ANC fought for over four decades against apartheid and focussed on the human rights struggle.

Centuries of racial discrimination have created a fractured society. It will take decades to rectify the social and economical imbalances. The South African problem is unique in the sense that its history is one of majority oppression (versus minority). The American experience for example is therefore of limited use, and the solutions for South Africa will have to come from within.

Reforms must occur at several

levels. Economic and educational reforms are needed, coupled with affirmative action programs. The legislature must also be restructured so as to maintain its respect and legitimacy. The bench must reflect the South African society which it is governing. There are currently 140 judges (appointed) of which one woman and one non-white (Indian). According to Justice Goldstone, there won't be much opposition to this type of reform. Indeed, an all white-male bench doesn't represent the country's society (uh-oh, another "He-Man" story!). Land is another key issue as redistribution is badly needed, but the issues of compensation are complex.

The security forces hold a crucial role in the transition occurring in South Africa today. According to Justice Goldstone, who heads the commission which closely examines these forces, they can be trusted. Indeed, there is no evidence of recent subversive action and the forces have shown no lack of resolve to carry out orders. The dependability of these forces is not to be questioned, and transparency of the police force must be continued and maintained.

Ethnicity and Federalism

Ethnicity is a fact of life. If we learn from history, and more recently the Czechoslovakian example, drawing up boundaries around ethnicity is a "recipe for disaster". Ethnicity should find its own place in society, and be kept out of the political arena. For South Africa, regional powers are not inherently wrong, and the ANC has softened its position towards federalism: a strong unitary structure could better address the imbalances in South Africa. The different parties are now trying to reach an agreement on an interim constitution to be approved the first week of November. The extremist groups (Buthelezi is cozying up to the far right) can make the path to 'democracy' bloody, but they can't stop it.

Mr and Mrs Goldstone were thanked on behalf of the Law students by Sonya, (president of the ILS) who gave them each a T-Shirt of the faculty (Free!, They must be relieved to have not come all this way for nothing!) and said she enjoyed talking with Mrs Goldstone about the participation of Law faculties in the current 'democratization' process....Somehow, I think we would have been interested too. ¹The New American Desk Encyclopedia, 3rd edition.

Roland Shuts Up; Has Absolutely Nothing to Say; Admits He Has No Opinion on the Subject

Roland Legault, LLB III

I have heard from a reliable source on the *Quid* staff that my last article appeared (or will appear, as seen from the time of writing) under the title "Roland Has Something to Say." Now I don't mind Jay and his minions changing the titles of my articles, but I do think they need to consider exactly what they're saying. "Roland Has Something to Say" is somewhat lacking in punch. Indeed, one might call it ... redundant.

Let's set the scene. The ever-anticipated *Quid* comes out, and suddenly excited cries begin to fill the stately corridors of OCDH. "Roland has said something", the people will


say. "Roland! No, I just won't believe it, it can't be true. We're finally going to find out just what Roland thinks. One of the world's great mysteries solved at last." Somehow I don't see it.

I'll give you a real headline (who knows, someday it might even come true). "Roland Shuts Up; Has Absolutely Nothing to Say; Admits He Has No Opinion on the Subject." This, Jay, is hot stuff (assuming, of course, that anybody cares whether Roland has something to say or not). If you could only provide the student population with this kind of material, I'm sure circulation would jump immediately. You might even be able to turn the *Quid* into a profit-maker.

I've left the title space for this article blank, to give Jay and company a little practice with headlines (I might have suggested "Roland's Ego Further Inflated", but that would have been almost as uninformative as their last effort). I hope they succeed in mastering the grip-the-reader-by-the-throat technique of headline writing, because the rest of their work has been pretty good, actually, the best series of papers since I've been here, if anybody wants *my* opinion.

Eds. note 1: Thanks Rollie, the cheque is in the mail...

Eds. note 2: Please take note that Quid policy is not to change titles, but in Roland's case, exceptions abound...



The U.N. Trip - Summarized

By George Tomossy, LLB I

couple of weekends ago; bus left late Thursday night; slept 2 hours (in 5 minute spurts); recurring dreams about turning into a pretzel; arrived in New York City early Friday morning; exhausted; awful kink in neck; brushed teeth; washed face; drank orange juice; went to the U.N.; saw my life flash before my eyes in a cab on the way; not very exciting; began Marian's Conference Marathon for People Without Sleep; seminars in Human Rights, working at the U.N., environmental law & the U.N., and other topics; blacked out every now and then; went to the Canadian Mission; met with the Assistant Ambassador and his legal advisor; everyone nodded off at some point (except for Jonathan who sat next to the guest speakers - wrong place, wrong time); beautiful day; wandered down to Broadway; everyone went separate ways; saw "Blood Brothers" with the Hardy

Boys as lead singers; awesome musical!; ended up in a club called Backout / Outback / Lockout - or something to that effect; unimpressed; had a drink; still unimpressed, on 2 hours of sleep in 36 hours, had another drink; suddenly very impressed!; took cab home; kept roommates from sleeping; fell asleep; woken up Saturday morning at God awful hour; five minutes later, 11:00 a.m., got out of bed; had breakfast; went shopping at Tower records; bought some more bad music; CDs, of course; climbed Statue of Liberty; told to get down; asked to use the stairs instead; three hours later, looked out the top; five minutes later, went back down; New York coastline from Liberty Island was breathtaking; cannot describe it; bought a sweatshirt from street peddler; left it in cab; went to dinner; great Creole place (ask Colette, LLB I, from NWT); walked through the rain; got wet; went to

Limelight; \$15 cover charge; rave music in a restored church; strange looking people; didn't like it; Francine did, though; we disagreed; but we all stayed for a while; back to hotel; Surprise!; the party was in my room; Troy, Minister of Room Services (Marian gave him the key) - Jonathan, Minister of Morale - Yours Truly, Minister of Motivation - and Shelly, Minister Responsible for Comic Relief; great party; little sleep; back on bus in morning; slept; dinner at Howard Johnson's - don't eat the Fettucine Alfredo; back in Montreal; slept; missed 12:30 tutorial on Monday (sorry Roland); have finally recovered. Awesome trip! First time in New York. Great place to visit, but I wouldn't want to live there. Didn't have time to see everything. Hats off to Marian, our External V.P., for an excellent job on organizing this trip and apologizing for everyone who fell asleep during the Assistant Ambassador's presentation.



Stopping By Field on A

He may look even comes to mind. No would be easy. Yet it is of solitude that one one is a goalie for law's team, such moments are likely much closer to photo would suggest.



Sunny Afternoon

lonely. Melancholic one said law school those pensive moments comes to cherish. When malpractice cup soccer many. Christopher is Park Ave. than this

La Troupe d'Operette du Mont-Royal Inc. Mount Royal Operatic Society Inc.



SILENCE IN COURT!

Trial by Jury

Gilbert and Sullivan

in
The Moot Court

Date: Fri/Sat, Nov 5/6, 1993

Ven/Sam, le 5/6 Nov 1993

Time: 6:30 and 8:30 pm

Heure: 18h30 et 20h:30

Place: Mc Gill University
Faculty of Law

N.W. corner Peel/Dr.Penfield

Endroit: L'Universite Mc Gill
Faculte de Droit
l'angle Peel/dr.Penfield

Price/Prix: \$6.00

Tickets/Billets:

Telephone: 483-5607 / 487-2520